THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25309 OF 2005

Date:29.11.2005

Between:

A.Jayasimha Reddy

… Petitioner

AND

The Government of A.P., and others

… Respondents

ORDER:

Sri Mahanandeeswaraswamy Vari Devasthanam, the third respondent, was accorded permission by the Commissioner of Endowments, the second respondent, way back on 27.05.2002 to engage four sweepers and four coolies (gardeners) on consolidated amount for a period of 11 months. The permission was extended subsequently. The petitioner is one of the gardeners engaged in pursuance of the permission accorded by the second respondent. While the petitioner was continuing as such, the Devasthanam submitted a proposal for engaging some attenders on contract basis. The second respondent, in turn, accorded permission *vide* proceedings, dated 20.04.2005. Instead of consolidated amount of salary, the attenders appointed on such contract basis, were to be paid the salary on S.S.R. rates.

Taking note of the fact that the Commissioner, who held the office at the relevant point of time, committed irregularities, the Government, the first respondent, invoked its *suo motu* powers under Section 93 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 and set aside the order, dated 20.04.2005, passed by the second respondent. The third respondent, in turn, is said to have discontinued the service of the petitioner. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and the learned standing counsel for the third respondent.

This Court dealt with number of cases, wherein the Government had set aside the orders passed by the then Commissioner, according sanction for making appointments or promotions in various Temples and religious institutions in the State. The Government was required to issue notices to the affected parties and pass fresh orders. Such orders have also since been passed in number of cases.

The instant case stands on a different footing. It is not as if the petitioner came to be appointed or engaged consequent upon the orders, dated 20.04.2005, passed by the then Commissioner. Much before that, he came to be engaged on the strength of the permission accorded by the second respondent way back in 2002. The petitioner has filed all the vouchers, through which he was paid the consolidated salary of Rs.1000/- p.m. The benefit that was accrued to the petitioner, on the strength of the orders, dated 20.04.2005, which was set aside by the first respondent through orders in G.O.Ms.No.1422 Revenue (Endowments. I) Department, dated 25.07.2005, is that instead of Rs.1000/- p.m., he would be paid the salary on S.S.R. rates. Even assuming that the proceedings, dated 20.04.2005, passed by the second respondent are vitiated in any manner, the petitioner cannot be denied the engagement, which was in existence prior thereto.

For the foregoing reasons, the writ petition is allowed in part, directing that the orders in G.O.Ms.No.1422, dated 25.07.2005, in so far as they relate to the petitioner, shall have the effect of only denying him of the salary on S.S.R. rates. The petitioner shall be entitled to be continued on the terms which existed prior to the orders, dated 20.04.2005, passed by the second respondent and the further continuance shall depend upon the nature of existence of work and the grant of approval by the second respondent from time to time.

29.11.2005

kdl